

### **REMARKS/ARGUMENTS**

The Office Action of October 6, 2009, has been carefully reviewed and these remarks are responsive thereto. No claims have been amended. No claims have been canceled. Claims 7 and 14 were previously canceled. Claims 1-6, 8-13, and 15-26 therefore remain pending. Reconsideration and allowance of the application are respectfully requested.

#### ***Claim Rejections Under 35 U.S.C. § 103***

Claims 1, 2, 8, 9, 15, 16, 19 and 22-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,870,683 to Wells et al. ("Wells") in view of U.S. Patent No. 6,128,001 to Gonsalves et al. ("Gonsalves").

Claims 3, 4, 10, and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wells in view of Gonsalves and further in view of alleged admitted prior art.

Claims 5, 12, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wells in view of Gonsalves and further in view of Bickmore (Web Page Filtering and Re-Authoring for Mobile Users).

Claims 6, 13, 17, 18 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Wells in view of Gonsalves and Bickmore, and further in view of "GIF Construction Set Professional Homepage" ("GCSPH") and "GIF Construction Set Professional Manual" ("GCSPM"). Applicants respectfully traverse these rejections.

Claim 1 recites, among other features, "automatically applying changes to other images in the time-based sequence based on changes to the individual pixels of the bit-map pattern." The Office Action admits at page 4 that Wells fails to teach or suggest such a feature. Instead, to show this claim 1 feature the Office Action points to col. 5, lines 42-52 of Gonsalves, which states:

If the video frame that underwent the color change belongs to a sequence of frames, and the graphics editor wishes to make a similar color change to the other frames in the sequence, the graphics editor may move the alpha matte in the frame sequence using key frames, as illustrated in FIG. 4. The graphics editor should verify that the image undergoing the color change remains within the alpha matte as it moves during the frame sequence. The steps of the method can be repeated automatically using the general purpose computer 20, and the graphics editor need not manually define a Bezier form for each frame.

Applicants disagree with the Office Action and find no such teaching or suggestion of the above-noted claim 1 feature in col. 5, lines 42-52 or any other portion of Gonsalves.

Gonsalves generally describes the use of an alpha matte to change the color of an object in a video image frame. As described above, “[i]f the video frame that underwent the color change belongs to a sequence of frames, and the graphics editor wishes to make a similar color change to the other frames in the sequence, the graphics editor may move the alpha matte in the frame sequence using key frames.” However, simply moving the alpha matte to other frames in the frame sequence does not *automatically* make similar color changes to such frames. Rather, to apply similar color changes to other frames in the frame sequence requires the user *manually* move the alpha matte to new locations in the other frames using the key frames. See Gonsalves col. 6, lines 10-15. That Gonsalves lacks any teaching or suggestion of *automatically* applying changes, as required by Applicants’ claim 1, is further evident from the portion of Gonsalves relied on by the Office Action, which describes that “[t]he graphics editor should verify that the image undergoing the color change remains within the alpha matte as it moves during the frame sequence.” See Gonsalves col. 5, lines 47-59. Thus, notwithstanding whether a combination of Wells and Gonsalves would have been proper (which Applicants do not concede), Gonsalves fails to remedy the deficiencies of Wells with respect to claim 1. Claim 1 is therefore allowable at least for the reasons discussed above.

Independent claims 8 and 19 recite similar features as discussed above with respect to claim 1, and are thus allowable over the asserted combination of Wells and Gonsalves at least for similar reasons as claim 1. Dependent claims 2, 9, 15, 16, and 22-26 are allowable at least based on the allowability of their respective base claims, and further in view of the additional features recited therein.

The remaining dependent claims are allowable at least based on the allowability of their respective base claims, and further in view of the additional features recited therein, because the additionally cited art does not cure the aforementioned deficiencies in Wells and/or Gonsalves.

### **CONCLUSION**

Based on the foregoing, Applicants respectfully submit that this application is in condition for allowance and request notice of same.

Respectfully submitted,

**BANNER & WITCOFF, LTD.**

Dated: December 7, 2009

By:           /Ross Dannenberg/            
Ross A. Dannenberg  
Reg. No. 49,024  
1100 13th Street, N.W.  
Suite 1200  
Washington, D.C. 20005-4051  
Tel: (202) 824-3000  
Fax: (202) 824-3001